

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendment and the following remarks.

Claim 23 has been newly added to define subject matter illustrated in Fig. 1 and described on page 3 of the specification.

Claims 3-15, 17, 21, and 22 stand withdrawn from consideration as directed to non-elected subject matter.

Claim 1 stands rejected, under 35 USC §102(b), as being anticipated by Czech et al. (DE 3938347). Claims 16 and 18 stand rejected, under 35 USC §103(a), as being unpatentable over Czech in view of Weihrauch (US 6,685,376). Claims 19 and 20 stand rejected, under 35 USC §103(a), as being unpatentable over Czech. The Applicant respectfully traverses these rejections in accordance with the following remarks.

The Applicant submits that Czech fails to disclose the feature recited in claim 1 of a grid disposed between a reservoir and a pad. Although the Office Action proposes that Czech's reference character 8 is such a grid, the Applicant notes that Czech discloses, in Fig. 1, that reference character 8 is an "inwardly pointing flange projection" (see Czech, bottom of page 11). Such a flange has nothing to do with a grid. The claimed

grid is a plate having a plurality of orifices, as described in Applicant's specification on page 3, lines 15 and 16, and these orifices are now specifically recited in new claim 23. The claimed grid provides the advantage reducing the caking of powder on its way from a reservoir to an applicator pad.

Moreover, Czech's disclosure is totally dedicated to fluid dispensers and provides no suggestion or teaching that these fluid dispensers could be used for powder. More specifically, Czech does not disclose that cap 4 and fluid storage body 9 are suitable for a powdery product. Thus, the Applicant strenuously traverses the statement in the Office Action that Czech discloses an applicator that "is capable of dispensing and storing powder" (see Office Action section 3, lines 2-3).

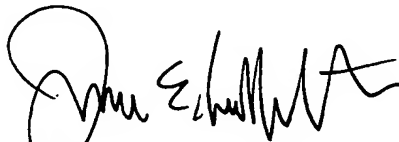
Accordingly, the Applicant submits that Czech does not anticipate the subject matter defined by claim 1. Therefore, the anticipation rejection of claim 1 is overcome, and allowance of claim 1 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone

the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James E. Ledbetter', with a large, stylized initial 'J' and a long, sweeping horizontal stroke at the end.

James E. Ledbetter
Registration No. 28,732

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JEL/DWW/att

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